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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,943	08/04/2003	Gregory Winfield Gorman	408392	5211

30955 7590 01/08/2008  
LATHROP & GAGE LC  
4845 PEARL EAST CIRCLE  
SUITE 300  
BOULDER, CO 80301

EXAMINER
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AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10633943	8/4/03	GORMAN, GREGORY WINFIELD	408392

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4845 PEARL EAST CIRCLE  
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BOULDER, CO 80301

## EXAMINER

Nasser Ahmad

ART UNIT	PAPER
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1794

20080107

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

1. The reply brief filed on 10/22/2007 has not been considered because it is not in compliance with 37 CFR 41.41(a). The reply brief appears to be directed to addressing claims that had been cancelled by the appellant and admitted in said reply brief. Further, appellant has re-iterated the arguments from the Appeal Brief of 5/2/2007.

Appellant should note that the Examiner's Answer of 8/22/2007 addresses only the pending claims 1-11 and 28-34, and not the cancelled claims 12-19 and 35. This is supported by the response to the arguments presented in the Examiner's Answer, page-7. Additionally, appellant is also informed that the 102 rejection provided in the Examiner's Answer, under the Grounds of Rejection, in page-4, is a copy of the rejection that was made in the Office Action of 10/24/2005. Since, the copied rejection has not been changed in the subsequent Office Action of 12/4/2006, but the heading was merely reiterated to address the cancelled claims therebefore. Thus, the rejection in the Answer was copied as is from the Office Action of 10/24/2005.

Therefore, the Reply Brief of 10/22/2007 has not been considered because of the presence of Grounds of Rejection and Argument sections include the cancelled claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on Monday through Thursday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Nasser Ahmad*  
Nasser Ahmad  
Primary Examiner  
Art Unit 1794

11/7/08